

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	G. David Jang
Application No.:	10/723644
Filed:	November 26, 2003
For:	Intravascular Stent and Assembly
Examiner:	Vy Q. Bui
Group Art Unit:	3773

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: S63.2B-11280-US01

Request for Reconsideration of Patent Term Adjustment, 37 C.F.R. § 1.705

The patentee hereby requests reconsideration, under 35 U.S.C. § 154(b), of the Determination of Patent Term Adjustment (PTA) made by the Director as indicated on the Determination of Patent Term Adjustment form mailed on February 22, 2010.

This Request pertains to the calculation of the B type delay (three year delay days). Applicant is submitting this Request at this time rather than subsequent to the issue notification. This is believed to be proper because the B type delay days are calculable at present since an RCE was filed in this application subsequent to the three year date.

Determination of Patent Term Adjustment

As indicated on the Determination of Patent Term Adjustment form, attached hereto, the adjustment to patent term is 1200 days. Also attached is the PAIR record showing the basis for this determination, which is believed to be incorrect.

The above referenced application was filed on November 26, 2003 and so is entitled to the benefit of the current version of 35 U.S.C. § 154. The PTA determination fails to follow the calculation method required by law as determined in *Wyeth v. Kappos*, 09-1120 (Fed. Cir. 2010), which is controlling law for the issues presented herein.

This Application for PTA constitutes a request that the patent term adjustment be made in accordance with the determination method described in the *Wyeth* case.

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